

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: DA VINCI SURGICAL ROBOT) Lead Case No.:
ANTITRUST LITIGATION,) 3:21-cv-03825-VC

-----)
THIS DOCUMENT RELATES TO:)
ALL CASES)
-----)

SURGICAL INSTRUMENT SERVICE)
COMPANY, INC.,) Case No.
) 3:21-cv-03496-VC

Plaintiff,)

vs.)

INTUITIVE SURGICAL, INC.,)

Defendant.)
-----)

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

REMOTE PROCEEDINGS OF THE VIDEOTAPED DEPOSITION OF
GRANT DUQUE, IN HIS PERSONAL CAPACITY
TUESDAY, NOVEMBER 8, 2022

REPORTED BY NANCY J. MARTIN
CSR. NO. 9504, RMR, RPR
PAGES 1 - 178

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Tuesday, November 8, 2022

- - -

Videotaped Remote Deposition of GRANT DUQUE,
beginning at 9:04 A.M., before Nancy J. Martin, a
Registered Merit Reporter, Certified Shorthand
Reporter. All parties appeared remotely.

1 BY MR. VAN HOVEN:

2 Q. Are you able to see the document on the Agile
3 Law screen?

4 A. I see it, yes.

5 Q. And our --

6 MR. VAN HOVEN: Kate, will you guys be
7 working with hard copy documents today?

8 MS. CAHOY: Yes.

9 MR. VAN HOVEN: Okay.

10 Q. So primarily I'll be using the Agile Law
11 screen and then for marking documents, Mr. DuQue, and
12 then you can look at the hard copy documents that are
13 available to you. Okay?

14 A. Okay.

15 Q. Mr. DuQue, does Exhibit 238 appear to be a
16 printout of your LinkedIn profile?

17 A. It does. It appears to -- I see the contact,
18 that URL is LinkedIn.

19 Q. And is your current position the director of
20 product engineering at instruments and accessories at
21 Intuitive Surgical?

22 A. My current position is director, but I'm
23 director of core instruments design engineering, and
24 it includes product engineering.

25 Q. So you said you're the director of core

1 instruments product engineering?

2 A. Core instruments design engineering.

3 Q. Okay. And that includes product engineering?

4 A. Correct.

5 Q. What's the difference between the design
6 engineering function and the product engineering
7 function at Intuitive Instruments?

8 A. For product engineering, that designation is
9 intended to be for sustaining engineering support for
10 a product already in the field.

11 Q. Got it.

12 And design engineering is for designing new
13 products; is that right?

14 A. Not exactly. It's overall encompassing. It
15 encompasses both sustaining engineering as well as new
16 products.

17 Q. So is it -- is the design engineering team
18 the primary engineering team that works on new
19 products?

20 MS. CAHOY: Objection to form.

21 THE WITNESS: Can you repeat the question,
22 please.

23 BY MR. VAN HOVEN:

24 Q. Yeah. Is the design engineering team the
25 primary engineering team that works on new products?

1 A. It could.

2 Q. I mean it will be, won't it?

3 MS. CAHOY: Objection to form.

4 THE WITNESS: I can't predict it for every
5 instrument.

6 BY MR. VAN HOVEN:

7 Q. For the vast majority of instruments, a cable
8 that's not on the pulley would be a pretty serious
9 degradation of function, wouldn't it?

10 MS. CAHOY: Objection to form.

11 THE WITNESS: It depends on the instrument.
12 It depends on the circumstances.

13 BY MR. VAN HOVEN:

14 Q. What circumstances would it not be a serious
15 degradation of function for a cable to derail off the
16 pulley?

17 A. So in an instrum- -- if the cable derails, it
18 has the -- it would be significant if it derailed and
19 broke and it resulted in a cable breakage. But it can
20 derail and not break and it would become slack, but
21 that amount of slack will have different -- can have
22 different effects on its performance.

23 Q. I'd like to go to the bottom of the page.
24 There's a reference to Instrument Design Similarities.

25 A. I see it.

1 Q. This document states that, "The materials
2 used in the distal portion of the S/SI 8mm instruments
3 are identical to those used in the equivalent versions
4 of the XI 8mm instruments."

5 Do you see that?

6 A. I see it.

7 Q. What are you referring to there?

8 A. The materials used in the distal portion. So
9 that would refer to the wrist components, the grip
10 components, the pulleys, pins, and cables and
11 (inaudible).

12 Q. So as of the time of this document in 2016,
13 are you saying that those components in the S and SI
14 are identical to the components in the XI?

15 MS. CAHOY: Objection to form.

16 THE WITNESS: I can't recount that offhand
17 off the top of my head.

18 BY MR. VAN HOVEN:

19 Q. That's what you were saying in 2016 here?

20 MS. CAHOY: Objection to form.

21 THE WITNESS: I'm reading. "Instruments for
22 SI and XI platforms are similar in many regards. The
23 materials used in the distal portion of the S/SI 8mm
24 instruments are identical to those used in the
25 equivalent versions of XI 8mm instruments."

1 So this statement is referring to the
2 materials.

3 BY MR. VAN HOVEN:

4 Q. That those are identical?

5 A. That's correct.

6 Q. If we go to the next page, there's a
7 reference to geometric similarities between the S/SI,
8 XI 8mm instruments?

9 A. I see it.

10 Q. The next sentence there explains that, "The
11 cable paths through the wrists of the instruments and
12 to the cable attachment points on the various joint
13 output pulleys for yaw, grip, and pitch are designed
14 to be identical."

15 Do you see that?

16 A. "Are designed to be identical." I do see
17 that, yes.

18 Q. What do you mean there?

19 A. "Cable paths through the wrists of the
20 instruments and to the cable attachment points on the
21 various joint output pulleys for yaw, grip, and pitch
22 are designed to be identical."

23 Um, that the -- I mean, essentially that
24 statement, the cable paths at the joint at the wrists
25 were designed to be identical.

1 Q. What does it mean for something to be
2 designed to be identical?

3 A. The statement here is to speak to cable path.

4 Q. And that those are designed to be identical
5 as between the S/SI versus the XI?

6 A. That's correct.

7 Q. Then finally it talks -- "Although the
8 proximal cable routing through the back end."

9 Do you see that --

10 A. I do see that.

11 Q. -- paragraph?

12 A. I do.

13 Q. What's your understanding of what that
14 paragraph was referring to?

15 A. It speaks to the differences between XI and
16 SI, which are mainly in the cable path in the back end
17 of the instruments.

18 Q. But by "cable path in the back end," you're
19 talking about the portion of the cable path at the
20 proximal end of the instrument?

21 A. Yes.

22 Q. But there are some similarities, including
23 equivalently sized clamping pulley dip -- diameters.

24 Do you see that?

25 A. I see that, yes.

1 Q. What is that referring to?

2 A. The clamping pulleys are what the cables
3 spool around on the input discs.

4 Q. And those are equivalently sized between the
5 S/SI and XI?

6 A. That's correct.

7 Q. Why is that?

8 A. It was -- it was the design intent to keep
9 that Q ratio between the input and the output the
10 same.

11 Q. There's also a reference to idler pulleys
12 that are comparatively sized.

13 Do you see that?

14 A. I do.

15 Q. What is an idler pulley?

16 A. Sure. An idler pulley is not acting in the
17 drive train gear ratio. It is an idler. Meaning it's
18 there passively, but it's there to re-route the cables
19 for -- to get the cable path onto the important parts
20 of the drive train.

21 MR. VAN HOVEN: Mr. DuQue, it seems like
22 we've been -- unless you guys want to soldier on
23 through another document, this might be a good time
24 for a 10-minute break.

25 MS. CAHOY: Yes.